

Powers and duties.

To examine office of Register of deeds, &c.

Commissioned by Governor.

Report of solicitor.

Indictment for omission of duty by any officer.

Penalty.

Proviso.

Clerks of said courts to be clerks of this court except for Buncombe. Clerk for Buncombe.

Bond of said clerk.

vided. The duties of the solicitor shall be the same in respect to criminal matters arising in the said counties for which he is chosen as those prescribed by law for the solicitors of the several judicial districts of this state, and he shall take a similar oath of office, and be removed for the same causes as the solicitors of the several districts of the state. He shall, at least once in every four months, make an examination of the office of the register of deeds, and the superior court clerk, in presence of the respective officers; and the said register of deeds and the clerk of the superior court shall furnish every facility to enable the solicitor to make such examination for the purpose of ascertaining whether inventories, accounts of sale, accounts current, wills, deeds, bills of sale, official bonds, mortgages, and all other papers required or allowed to be recorded or registered, have been duly recorded and registered and properly indexed; and also whether the several dockets and records or papers of the different courts, including justices of the peace, have been kept and filed in proper manner and as required by law. The judge and solicitor, when duly elected or appointed as herein provided, shall be commissioned by the governor in like manner as the judges and solicitors of the superior courts.

SEC. 10. That the aforesaid solicitor shall make a faithful report in writing of the several matters hereby directed to be examined, specially stating in what respect, if any, there have been an omission of duty by the officers aforesaid, and the said report shall be made to the aforesaid criminal court at the next term thereof which shall be held subsequent to such examination; and when it shall appear from such reports that there has been an omission of duty on the part of any said officers, the said solicitor shall cause an indictment to be preferred for such reported breach of duty, and on conviction the defendant shall be fined or imprisoned or removed from office, at the discretion of the court: *Provided, however*, that this indictment shall not exempt any of said officers from being indicted for other breaches of duty as prescribed by law.

SEC. 11. That the clerks of the superior courts of the counties of Madison, Haywood and Henderson shall be clerks *ex officio* of the said criminal courts of said counties. There shall be a clerk for the said criminal court for Buncombe county, who shall be elected by the qualified voters of said county as herein provided in cases of judges and solicitors, and the vacancy caused in the office of the clerk of said criminal court of Buncombe county by the ratification of this act, shall be filled in the same manner as is provided in the case of judge and solicitors of said county, and said clerk shall enter into bond, with good and sufficient security, in the sum of ten thousand dollars, to be approved by the county commissioners, payable to the state of North Carolina, for the faithful performance of the duties of his office, which bond shall be renewed annually and